

## What's that on the planning horizon?

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The world of planning can never be accused of being dull, more so now than ever. The planning world is in a state of flux so what should we be keeping a look out for over the next few months?:

### 1. Nutrient neutrality

After the House of Lords voted down the government's proposed amendment to the Levelling Up and Regeneration Bill which would have relaxed the rules on nutrient neutrality, the Department for Levelling Up, Housing and Communities has issued new guidance asking local authorities to carry on as normal. [The guidance states](#) that "*the government will make further announcement about next steps in due course*". The government's aim is for the Levelling Up and Regeneration Bill to secure Royal Assent before the King's Speech in early November. It therefore remains to be seen how the government will deal with the nutrient neutrality issue but with the Conservative Party Conference due to start on 1 October, it seems likely that there will be further developments in the next coming weeks.

### 2. Water neutrality

When the government tabled its amendment to the Levelling Up and Regeneration Bill, it was hoped by some that the issue of water neutrality would be next on the agenda. However, it would now appear that the status quo on water neutrality will continue for a little longer. It is an issue mainly affecting the districts within the Sussex North Water Supply Zone and the Home Building Federation has reported recently that a study commissioned by the three local authorities falling within the zone has shown that the issue is affecting over 20,000 homes planned to be built by 2030 in the local plans. As the issue of water neutrality does not affect as many local authority areas as nutrient neutrality, we will need to wait and see how the government prioritises the

issue in the next coming months.

## 3. Biodiversity Net Gain

Whilst the rules on biodiversity net gain will come into force from November 2023 for large sites, with the rules for smaller sites applying from April 2024, the issue of biodiversity net gain is already being considered by the Planning Inspectorate. In a recent appeal decision for a small development of 5 detached dwellings in Sheffield, the Planning Inspectorate decided that the completed unilateral undertaking providing for a financial contribution to offset the loss of biodiversity units was insufficient as it was not clear how the Council would spend the contribution in order to achieve a biodiversity net gain. It is therefore important for developers who cannot provide on-site biodiversity net gain to make sure that any off-site provision is a robust alternative and they can demonstrate that there will indeed be a biodiversity net gain impact. The new credit system will hopefully assist with this type of situation and it will be interesting to see how this new market will develop over the coming months and years.

## 4. Permitted development rights

The Government's consultation on the changes to permitted development rights closed on 25 September 2023. The proposed changes included changes of use to dwellinghouses, non-domestic extensions, the erection of new industrial and warehouse buildings and changes to allow development on agricultural units. Concerns have been raised over the effect the changes may have on the high street as empty shops come forward as housing under the changes if they are introduced. It seems unlikely that we will hear from the government with their response to this consultation anytime soon, especially as the Levelling Up and Regeneration Bill is still being considered by the House of Lords but it is something that should be monitored going forward.

## 5. The National Planning Policy Framework ("NPPF")

A final point to note is that the NPPF was updated on 5 September 2023 to include changes on policy for onshore wind development in England. However, this is only a partial response from the government to the consultation on the NPPF that was launched in December 2022. The government has not yet responded to the other issues that formed part of the consultation including 5-year housing land supply requirements, local plans and Green Belts. It is been reported that local authorities have delayed their local plan making processes as a result in the delay in the government publishing their full response to the NPPF consultation. Given the state of play with the Levelling Up and Regeneration Bill and the wider government approach to "net-zero", it remains unclear when we will hear from the government on any further changes to the NPPF. It therefore looks like it will be a busy 2023/2024 for the planning world.



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